

Schuyler County, NY
Watershed Law
Contact: Jim Howell, Watershed Inspector
(607)535-2060
Health Ordinance
Adopted: 1973
Revised: 1975

County of Schuyler

Local Law No. 3

..DD.

of the year 1975

A local law amending Local Law No.1 of..The year 1973 known as the Schuyler County Watershed Law and pertaining to rules and regulations applying to the watersheds within the County of Schuyler, New York.

Be it enacted by the Schuyler County Legislature of the County of Schuyler as follows

ARTICLE I

Definitions and General Provisions

Section A Title

1. The rules and regulations herein contained shall constitute, comprise and be known as the Watershed Law' of Schuyler County, New York.

Validity

Section B.

1. If any section,' paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.,

Definitions

Section C.

1. 'Agent or Agents Thereof' shall mean a person requested, employed or contracted by an owner or owners, occupant' or lessee to construct, repair or perform excavation for the installation of a receptacle or sewage disposal facility or element within said facility.
2. "Board of Health" shall mean the Schuyler County Legislature.
3. "Certification of Completion" shall mean that upon completion of a sewage disposal facility, in accordance with the specifications approved in the construction permit a certificate of occupancy shall be issued prior to occupancy.
19. "Sand Filter" shall mean a sewage disposal system in which septic tank effluent filters through sand meeting a designated uniformity coefficient. Devices for proper chlorination are included to treat the filter discharge if necessary.
20. "Seepage Pits" shall mean a covered pit with openings or perforated lining through which septic tank effluent may seep or leach into the surrounding porous soil.
21. "Semi-Public Sewage Disposal Systems" shall mean a system of piping, tanks, and other facilities used for the collection and disposal of sewage and other wastes of a liquid nature including the various devices for the treatment of such wastes serving more than one building or trailer on a lot or property owned by one or more persons.
22. "Septic Tank" shall mean a watertight structure usually constructed of concrete. Its purpose is to partially clarify sewage by retaining a substantial portion of the solids. The flow of sewage from the house is slowed up in its passage through the tank so that the gross solids will settle to the bottom and accumulate as sludge. The finer particles will remain in suspension and pass out of the tank with the liquid. Scum and other floating solids are retained in the tank by means of a baffling device.
23. "Sewage" shall mean water liquids containing human excreta and decomposing matter, wastes liquid from bathrooms, kitchens, laundries, or polluted liquids of any kind in or from the drainage system or sewer of a domestic dwelling or any structure occupied for commercial, recreational, or institutional or industrial purposes.
24. "Sewage Disposal Facility" shall mean any approved units or system of units or devices designed to treat, purify, dissolve and/or distribute sewage.
25. "State Sanitary Code" shall mean the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.
26. "Subsurface Sewage Disposal System" shall mean any sewage disposal system allowing for the percolation of septic tank effluent to leach into the soil.

27. "Tile Field" shall mean a series of trenches dug, with a very slight slope to depths varying from 18 to 30 inches. Septic tank effluent is distributed to the several trench lines of the field by means of a distribution box.

28.

"Watercourse" shall mean every spring, pond, marsh, or channel of any kind, the waters of which flow within the County of Schuyler.

29. Watershed shall mean that body of land from which or through which water drains into a watercourse within the County of Schuyler.

30.

"Watershed Department" shall mean the department established by the Schuyler, legislature to administer and enforce the Watershed Law of Schuyler County.

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31. "Watershed Inspector" shall mean the authorized representative of the Schuyler County Watershed Department.

32.

"Watershed Law" shall mean and comprise the rules and regulations now or hereafter formulated, promulgated and adopted by the Schuyler County Legislature.

Applicability Legal Effect Section D.

1. The provisions of the Watershed LAW shall be in force throughout the County of Schuyler.

2.

The Watershed Law shall be supplemental to the Public Health Law, the New York State Sanitary Code, the New York State Environmental Conservation Law, Penal Law and other New York State Laws relating to public health.

Violations and Penalties Section E

1. The provisions of the Watershed Law shall have the force and effect of law.

2.

Violation or non-compliance with any section of this local law shall be deemed a violation and upon conviction thereof be punishable by a fine not to exceed \$50.00 and/or imprisonment not to exceed 15 days pursuant to the Penal Law of the State of New York. Each day or portion thereof of such violation shall constitute a separate violation punishable by a daily fine of \$50.00 and/or imprisonment of 15 days. The total fine for all such violations shall not exceed a total of

\$250.00 and/or imprisonment not to exceed 75 days. In the event of continuous violation, the County Watershed Inspector additionally may apply to an appropriate court for an injunction or other equitable relief.

Powers and Authority of Inspectors Section F

1. The Watershed Department or its duly authorized employees bearing proper credentials and identification shall be permitted to enter upon all properties and premises covered by the regulations of the Watershed Law for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this local law.

2. Whenever entry is refused, the Watershed Inspector shall submit to the proper authorities such evidence as is necessary to justify entry upon said properties or premises such as to obtain a legal instrument to perform the discharge of the Watershed Department's duties.

3. No person shall molest or resist any officer of the Watershed Department or their assistants in the lawful discharge of their duties.

ARTICLE II

Section A. Nuisances Complaints and General Sanitation

Nuisances and Complaints Inspection and Investigation

1. The Watershed Inspector shall investigate all complaints of any nuisance within the provisions of this local law which may affect public health.

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Section b to Owner and Others

1. The Watershed Inspector shall make regular and thorough inspections and investigations for the purpose of enforcing this local law and any regulations adopted under and pursuant thereto. Whenever it shall appear to the Watershed Inspector, after inspection or investigation, that there has been a violation of any of the provisions of this local law, he shall give written notice to the alleged violator or violators setting forth any thing or act done or omitted to be done or claimed to be in violation of this local law, and requiring that the matters complained of be corrected within a stated time.

Orders and Hearings

Section C

1. Upon the filing in the Watershed Department of the written notice provided for by Article II section B-1 hereof and the stated time to correct thereof having expired, the Watershed Inspector may cause to be served upon the owner, agent or occupant of such place or premises a notice to appear at a stated time and place to show cause why such condition should not be declared a nuisance or a condition dangerous to life or health.
2. If the alleged violator or violators does not thereafter immediately comply with said notice, this local law and the regulations adopted under and pursuant thereto, it shall be the of the County Watershed Inspector to commence appropriate action to exact the penalty provided in Article I, Section E-2.

Section ARTICLE III

Garbage and Refuse Disposal

Disposal: Rules and Regulations

1. No garbage, refuse or putrescible matter shall be deposited in a watercourse or on or beneath the surface of the watershed within a 100 foot distance of a water course.
2. Refuse shall be disposed of either by a method approved by the County Watershed Inspector or at a refuse disposal area complying with the provisions of the Environmental Conservation Law of the State of New York and/or the New York State Department of Health.

Section A1

ARTICLE IV

Manure Piles

Storage and Disposal

1. No manure piles shall be maintained or allowed to remain within a 100 foot distance of a watercourse, provided that this section shall not prohibit the normal spreading of manure which is not in piles.

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Section A.
ARTICLE V

Disposal of Human Excreta Rules and Regulations

1. No human excreta shall be deposited, thrown¹ placed or allowed to escape into any watercourse in the County of Schuyler.
2. No human excreta shall be placed or spread upon the surface of the ground at any point on the watershed within this County.
3.
No human excreta, either raw or partially decomposed may be dipped, pumped or shoveled from a receptacle and placed on the watershed in Schuyler County without specific approval of the site by the Environmental Conservation Department of the State of New York.

Section A.
ARTICLE VI

Placement of Receptacles. General Provisions

1. Receptacles are to be installed as a replacement of an existing sewage disposal facility where an existing structure is situated.
2.
Receptacles are to be installed when it is determined that the installation of a sewage disposal facility is not possible.

Rules and Regulations
Section B~

1. No receptacle of any kind shall be constructed, placed, maintained, or allowed to remain within a 100 foot distance of a watercourse provided, however, that the property on which the receptacle is built or to be built is so locatedg bounded or otherwise situated that the distance above named can be obtained within the limits of such property.
2.
Every receptacle which is so built or about to be built on pre).perty which is so located, bounded or otherwise situated that the distance provided by Section B-1 cannot be obtained, shall be placed as far as possible from a watercourse, especially constructed of masonry, concrete or metal to form a watertight container from which no outward percolation can take place. Such container shall be equipped with a complete and durable cover.
3.
Every receptacle shall be emptied when filled within six inches of the top.

4.

Whenever it is determined by the Watershed Inspector that sewage from a receptacle may be washed over the surface of the ground or through the soil in an improperly treated condition into a watercourse, the use of said receptacle shall be discontinued, corrected and/or removed within a reasonable time after written notice thereof to the owner, occupant or lessee.

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5. All the receptacles referred to herein shall be constructed or installed only with the approval and under the supervision of the Watershed Inspector.

6.

No sewage shall be discharged or deposited into any receptacle installed, constructed or maintained in violation of this Article.

Section A ARTICLE VII

Disposal of Sewage General Provisions

1. Sewage from any newly constructed building or premises shall be discharged directly into a public sewage disposal system, if available and accessible.

2. If there be no public sewage disposal system available and accessible, an individual or semi-public sewage disposal system approved by the Watershed Inspector may be used.

3. Construction of subsurface individual or semi-public disposal systems shall be subject to part 75.5 of the New York State Sanitary Code.

Construction of Sewage Disposal Facilities

The construction of sewage disposal facilities shall be in accordance with the specifications approved in the construction permit.

Section B.

1.

2. The Watershed Department shall be notified by the owner or agent thereof when the facility is ready for inspection.

3.

No element of the disposal facility shall be covered until inspected and approved in accordance with the specifications on the construction permit. Whenever considered necessary by the Watershed Inspector, any covered work shall be uncovered to permit proper inspection.

4.

The design and construction of a sewage disposal facility meeting with the approval of the Watershed Inspector shall not be construed as a guarantee by the Watershed Department that the system will function satisfactorily.

Existing Structures and Facilities

Section C~

1. It shall be the duty of the owner or owners, occupant or lessee or agent thereof proposing to install or replace a sewage disposal facility to give written notice to the County Watershed Inspector of the intention to install or replace the same.

2. No element of an existing sewage facility which element is designed to allow an outward percolation of sewage shall be maintained or allowed to remain within 75 foot distance of any watercourse when proof of pollution of any watercourse is established.

3.

It shall be the duty and obligation of the owner or owners, occupant or lessee or agent thereof of any existing sewage

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disposal facility to present to the County Watershed Inspector upon request such evidence as is available to describe the type, capacity, and location of elements of the existing system.

Thereafter, the County Watershed Inspector shall review such available evidence and make such further investigation as he deems necessary to determine the adequacy of such system. Within sixty (60) days after written notice of a determination that the existing system is inadequate, the owner or owners, occupant or lessee or agent thereof shall supply the necessary plans and specifications in application for a permit to construct a new or replacement sewage disposal facility.

4.

It shall be the duty of the County Watershed Inspector to review such plans and specifications and to conduct or to have percolation tests in the case of proposed septic tanks and leach field systems as are prescribed by this local law and/or regulations approved by said County Watershed Inspector which are on file in his office, and which are in his judgment necessary to determine the adequacy and effectiveness of the proposed system.

5. No construction of a replacement sewage disposal facility and/or receptacle shall be commenced until such time as there is issued by the County Watershed Inspector a 'construction permit' specifying that the type, capacity and location of each element of the facility and/or receptacle are in accordance with this local law and/or said regulations.

6. Within six (6) months after the issuance of a construction permit for the replacement of an existing sewage disposal facility, said replacement shall be completed.

Instruction

Section D.

1. It is recommended that prior to purchase of or construction of any lot, for which a public sewage system is not available, percolation tests be done to determine the suitability of the soil for sewage disposal.

2. No owner or owners, occupant or lessee or agent thereof shall commence the construction of a new sewage disposal facility or any element thereof after the effective date of this local law, without first obtaining a construction permit defined by this local law.

3.

No element of such facility may be enclosed or buried from view after being empla'ed until that element has been examined and approved by the County Watershed Inspector in its location.

Section E Direct Discharge of Sewage

1. Any system which provides for the treatment and direct discharge of sewage as hereinbefore defined into a watercourse may be allowed only upon proof of approval of plans and the issuance of a permit to discharge by the New York State Department of Health and/or New York State Department of Environmental Conservation. Persons found to be in violation of this section shall be allowed the time specified in Section C., paragraphs 3 and 6 of this Article to comply with this local law.

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ARTICLE VIII

Rules and Regulations

RULE I General Requirements: Development of Individual Sewage Disposal Systems

section A Number of Lots

1. Not more than four (4) lots shall be developed on any tract or parcel of land unless a subdivision plan has been approved in accordance with part 74 of the New York State Sanitary Code.

Topography

Section B.

1. D Topography shall be favorable for the development of an individual sewage disposal facility.

Soil Conditions

Section C.

1. The water table, rock or hard pan shall be at least five (5) feet below the lowest part of the subsurface leaching system. No subsurface disposal system shall be permitted in soil if the percolation rate is slower than 45 minutes per inch at the bottom of the leaching system. No seepage pit shall be permitted in soil if the percolation rate is slower than 20 minutes per inch at the bottom of the seepage pit.

Section D Land Fills

Should the soil not meet the requirements outlined in Rule I, Section C-1 the placement of the subsurface system in suitable fill will be considered.

A. The soil used in filling shall be suitable porous soil placed over the undisturbed ground and be allowed to consolidate for a minimum of 90 days, preferably from fall until spring.

B. After the fill has settled there shall be at least 3 feet of porous soil under the tile field.

C. The subsurface disposal system in fill shall be designed based at least upon the requirements of a 45 minute soil test.

D. When the subsurface system is in fill, the fill shall extend a minimum of 10 feet in all directions beyond the limits of the subsurface system and not less than 20 feet beyond the lowest side of the system.

Section E~ Sand Filters

1.

Should the soil not meet the requirements outlined in Rule I, Section C-1, the placement of a sand filter may be considered ~

A. The soil does not meet the requirement in Rule I, Section C-1 and the topography is not suitable for a land fill.

B. A State Pollutant Discharge Elimination System, short form D, is filed with the facility application if necessary.

C. Proper elements are installed to provide adequate chlorination, when necessary.

D. The filter sand meets the uniformity coefficient established by the New York State Department of Health and/or the New York State Department of Environmental Conservation.

E. The discharge point is contained on the lot with a minimum distance of 75 feet from any watercourse or intermittent stream and a minimum distance of 50 feet from any property boundary

F. If the discharge point cannot meet the requirements of Rule I, Section E-1 (E), specifications shall be approved by the County Watershed Inspector, the New York State Department of Health and/or the New York State Department of Environmental Conservation.

Section F. Rate of Flow

1. Individual or semi-public sewage disposal facilities serving residential Structures, buildings or mobile homes which produce a daily sewage flow in excess of 1,000 gallons shall be approved by the New York State Department of Health and/or the New York State Department of Environmental Conservation.

Surface Coverage-Sewage Disposal Facility

Section G

1. No parking areas, roads, or driveways shall be placed over any sewage disposal facility.

RULE II General requirements Development of Semi-public Sewage Disposal Facilities

Section A. Requirements (General)

1. Shall meet the requirements of "RULE I"~.

2. Shall be used only when the existing lot is not acceptable for the installation of an individual sewage disposal system.

3.

"Right-of-Way" --- Owner or owners shall provide the Watershed Department with a copy of a legal right-of-way, to be attached to the property deed prior to issuance of the construction permit.

RULE III General Requirements: Installation of Individual Sewage Disposal Facilities and Water Supplies --- Lot Sizes

Section A General

1. When individual sewage disposal facilities and water supplies are to be installed, the area shall be of sufficient size to furnish adequate distance between the well and the sewage disposal facility and any adjacent water or sewage facilities to provide adequate space for the sewage disposal facility¹ based upon the estimated amount of sewage flow, and room for 50% future expansion of such facility, if needed.

Section B Square Footage Requirements

If the property is within 0.5 miles of an existing operating public sewage system, the minimum lot size shall be not less than 15,000 square feet. Requirements of "Rule III, Section A1 shall be met.

2. If a public water supply system is available and used, the minimum lot size shall be not less than 15,000 square feet providing the requirements of "Rule III, Section A" will be met.

3.

If a public water supply is not used and a public sewage disposal system is not within 0.5 miles of the property, the lot shall not be less than 30,000 square feet.

Exceptions to Restrictions and Limiting Distances Section C.

1. Any exception to the restrictions and limitations of distance in this local law and/or regulations regarding the proposed installation or continued maintenance of sewage disposal, sewage treatment, or storage units which do not meet the requirements of "Rule III, Section A" will be allowed only upon proof of the approval of application by the New York State Department of Health or the New York State Department of Environmental Conservation and/or the County Watershed Inspector.. A distance greater than 100 feet may be required if a dye test shows that a greater distance is necessary.

ARTICLE IX

Section A.

Sewage Disposal Violations and Penalties Construction Permit Required

1. No person, either as owner or owners, occupant or lessee or agent thereof shall undertake to construct any new building, structure, mobile home, or an enlargement or extension of an existing building which will result in a change in volume or character of wastes water, requiring a separate sewage disposal facility, or construct such facility to serve any existing buildings, structures or mobile home without first having obtained a Construction Permit for such facility issued by the Watershed Inspector under this Article.

2.

Any person as aforementioned and defined found conducting such action, as described in Section A-I, without having first obtained a Construction Permit from the Watershed Inspector shall be subject immediately thereafter to such penalty as prescribed in Article 1, Section E-2.

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Section B Construction of Sewage Disposal Facility

1. Whenever inspection indicates the construction of a sewage disposal facility to be otherwise than in accordance with the Watershed Law or the conditions of any permit or written approval issued pursuant thereto and the standards applicable to said permit, all work shall cease upon written notice served upon any person as aforementioned and defined connected with or working in or about the said facility or any part thereof, or sent by registered mail to the last

recorded address of the person named in such permit or approval. Thereafter, no further work shall be done until the Watershed Inspector determines that the work may properly proceed. otherwise any written approval shall terminate and no further work shall be undertaken until a written approval or endorsement of the original approval shall have been obtained.

2.

Whenever considered necessary by the Watershed Inspector, any covered work shall be promptly uncovered for inspection at any time before issuance of the "Certificate of Completion." Any approval shall be subject to modification or change as may be directed in writing by the Watershed Inspector due to conditions found during construction, provided that the Watershed' Inspector may at his discretion, require all or parts of the construction to cease until approval of the necessary modifications or change has been obtained in the same manner as the original permit.

3.

Any person or persons as aforementioned and defined' failing to comply with said regulations in Section B-1 of this Article shall be immediately thereafter subject to such penalty as prescribed in Article I, Section E-2.

Certificate of Completion Section C.

1. No sewage disposal facility serving any new buildings¹ structures~ or mobile homes shall be placed in operation nor shall any new buildings, structures, or mobile homes be occupied until a "Certificate of Completion" has been issued indicating that such disposal facility has been constructed in compliance with the terms of the "Construction ?ermit" and the require'ments of this Watershed Law.

2.

Any person or persons as aforementioned and defined found in violation of Section C-1 of this Article shall be subject to such penalty prescribed n Article I, Section E-2.

ARTICLE x

Effective Date

This local law shall take effect immediately upon filing pursuant to the Municipal Home Rule Law.

